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May 16, 2007

VIA ELECTRONIC FILING & FIRST CLASS MAIL

Honorable Sue L. Robinson
Chief Judge
United States District Court
844 King Street, Lockbox 31
Wilmington, DE 19801

RE: David S. Yarnall v. Cpl. Anthony Mendez, Ptlm Lowe &
PFC Buchert, et. al.
C.A. NO.: 05-527-SLR
C.A. NO.: 06-501-SLR
C.A. NO.: 06-529-SLR

Dear Chief Judge Robinson:

Plaintiff filed a Motion for Summary Judgment on December 18, 2006 (D.I. 74). The Court's Scheduling Order (D.I. 85) provides that summary judgment Answering briefs shall be filed on or before May 18, 2007.

Defendants Ptlm Lowe and PFC Buchert moved for Summary Judgment on May 3, 2007 (D.I. 99) and filed an Opening Brief in Support thereof (D.I. 100). The State of Delaware filed a Motion for Summary Judgment on behalf of defendants Cpl. Anthony Mendez and Delaware State Police Troop 7 on May 3, 2007 (D.I. 98) and titled its Brief "Opening Brief in Support of its Motion for Summary Judgment and Answering Brief to Plaintiff's Motion for Summary Judgment." (D.I. 98.)

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In the interests of economy and efficiency, Ptlm Lowe and PFC Buchert request that the Court similarly consider the Opening Brief in Support of their Motion for Summary Judgment as their Answering Brief in Opposition to plaintiff's Motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce C. Herron". The signature is fluid and cursive, with the first name "Bruce" and last name "Herron" clearly distinguishable.

Bruce C. Herron
Attorney for Defendants
Ptlm Lowe & PFC Buchert

BCH:tad

cc: United States District Court Clerk (via first class mail)
David S. Yarnall(via first class mail)
Michael W. Tupman, Deputy Attorney General (via electronic
filing)